

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,  
and Bernard L. Madoff,

Plaintiff,

v.

THE SUMITOMO TRUST AND BANKING CO.  
LTD.,

Defendant.

Adv. Pro. No. 11-02573 (CGM)

**STIPULATION AND ORDER**

The plaintiff, Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*, and the chapter 7 estate of Bernard L. Madoff, and the defendant, The Sumitomo Trust and Banking Co. Ltd. (“Defendant,” and with the Trustee, the “Parties”), by and through their respective undersigned counsel, hereby agree that Defendant shall answer or otherwise respond to the complaint in the Action, Adv. Pro. No. 11-

02573 (Bankr. S.D.N.Y. Dec. 20, 2011), ECF No. 1, by **February 11, 2022**, and, if Defendant moves to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b), the Trustee shall respond to the motion by **April 12, 2022**, and Defendant shall file its reply, if any, by **May 12, 2022**. After any motion to dismiss that might be filed pursuant to this stipulation and order is fully submitted, the parties shall seek oral argument, subject to any scheduling conflicts, at the Court's first available convenience.

Dated: December 6, 2021  
New York, New York

By: /s/ David J. Sheehan  
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the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Chapter 7  
Estate of Bernard L. Madoff*

*Attorney for Defendant The Sumitomo Trust  
and Banking Co. Ltd.*

**SO ORDERED.**

**Dated: December 7, 2021**  
**Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris**  
**Chief U.S. Bankruptcy Judge**